

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[MM Docket No. 97-154, RM-9116]

**Radio Broadcasting Services; Newaygo, MI****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Robert R. Moore proposing the allotment of Channel 223A to Newaygo, Michigan, as that community's first local broadcast service. There is a site restriction 7.6 kilometers (4.7 miles) southwest of the community at coordinates 43-22-12 and 85-51-49. Canadian concurrence will be requested for the allotment of Channel 223A at Newaygo.

**DATES:** Comments must be filed on or before September 2, 1997, and reply comments on or before September 17, 1997.

**ADDRESSES:** Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Dennis J. Kelly, Law Office of Dennis J. Kelly, Post Office Box 6648, Annapolis, Maryland 21401.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-154, adopted July 3, 1997, and released July 17, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.  
Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 630**

[Docket No. 970702161-7161-01; I.D. 041097C]

RIN 0648-AJ93

**Atlantic Highly Migratory Species Fisheries; Import Restrictions**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; public hearing; request for comments.

**SUMMARY:** NMFS proposes to amend the regulations governing the Atlantic highly migratory species (HMS) fisheries to prohibit importation of Atlantic bluefin tuna (ABT) and its products in any form harvested by vessels of Panama, Honduras, and Belize. The proposed amendments are necessary to implement International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations designed to help achieve the conservation and management objectives for ABT fisheries. NMFS will hold a hearing to receive comments from fishery participants and other members of the public regarding these proposed amendments.

**DATES:** Comments are invited and must be received on or before August 4, 1997. A public hearing will be held on July 29, 1997, from 1-3 p.m.

**ADDRESSES:** Comments on the proposed rule should be sent to Rebecca Lent, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3282. The public hearing will be held at NOAA/NMFS, SSMCIV, 1305 East-West Highway, Room IW611, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** John Kelly, 301-713-2347.

**SUPPLEMENTARY INFORMATION:** The Atlantic tuna fisheries are managed under the authority of the Atlantic Tunas Convention Act (ATCA). Section 971d(c)(1) of ATCA authorizes the Secretary of Commerce (Secretary) to issue regulations as may be necessary to carry out the recommendations of ICCAT. The authority to issue regulations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

**Relation to Proposed Consolidation**

The regulatory amendments contained in this proposed rule were written to be consistent with a proposed rule consolidating all regulations pertaining to Atlantic HMS under 50 CFR part 630 (61 FR 57361, November 6, 1996). A final rule consolidating the regulations has not yet been issued. The regulatory amendments contained in this proposed rule, if adopted, would be incorporated into the final consolidated regulations at 50 CFR part 630. Copies of the proposed consolidation rule may be obtained by writing (see **ADDRESSES**) or calling the contact person (see **FOR FURTHER INFORMATION CONTACT**).

**Proposed Import Restrictions**

In order to conserve and manage ABT, ICCAT adopted two recommendations at its 1996 meeting requiring its Contracting Parties to take the appropriate measures to prohibit the import of ABT and its products in any form from Belize, Honduras, and Panama. With regard to the recommendation on Belize and Honduras, the effective date of import prohibition would be August 4, 1997, concurrent with the entry into force of the ICCAT recommendation. With respect to the recommendation on Panama, ICCAT determined that such import prohibition would begin January 1, 1998, unless ICCAT decides on the basis of documentary evidence, at its 1997 meeting or before, that Panama has brought its fishing practices for ABT into consistency with ICCAT conservation and management measures. The delay in implementation of trade restrictions for Panama recognizes Panama's expressed intent to rectify the improper fishing activities of its vessels.

ICCAT has been concerned about the status of ABT for many years. The most recent scientific stock assessment shows that mid-year spawning biomass (age 8+) of the western management stock in 1995 was estimated to be 13 percent of the 1975 level (which is considered an appropriate proxy for the spawning stock biomass level corresponding to maximum sustainable yield (MSY)).